

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DAVID JOSSELYN

Petitioner,

v.

KATHLEEN DENNEHY,

Respondent

Civil Action No. 04-10621-GAO

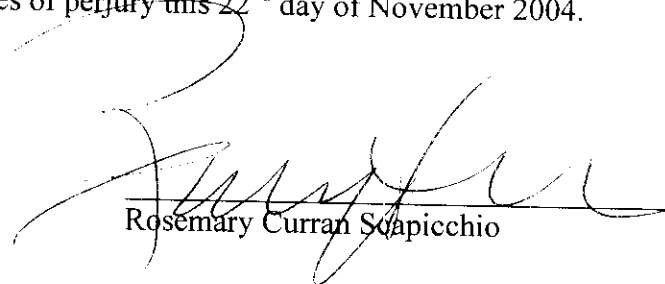
**AFFIDAVIT IN SUPPORT OF PETITIONER'S ASSENTED TO MOTION FOR
ENLARGEMENT OF TIME IN FILING OPPOSITION TO RESPONDENT'S
MOTION TO DISMISS**

I, Rosemary Curran Scapicchio, hereby depose and state:

1. I am counsel of record for David Josselyn in the above-referenced matter.
3. Counsel's schedule has been unexpectedly busy schedule over the past 60 days due to:
 - a. An order from the United States Supreme Court allowing the government's motion for both an expedited briefing and argument in United States v. Duncan Fanfan. Counsel's normal schedule was interrupted to prepare the brief, which was due with the United States Supreme Court on September 21, 2004, and to prepare the oral argument, which was presented on October 4, 2004.
 - b. Counsel just completed a multiple week first-degree murder trial Commonwealth v. James Bush (docket # 2003-1005).
 - c. Counsel's brief in the matter of Commonwealth v. Olivera is due November 30, 2004 with the Massachusetts Appeals Court and is marked no further continuances. (Docket No. 2004-P-0980).
 - d. Counsel's Petition of Habeas Corpus in the matter of Commonwealth v. Costa, Day, and DeNicholas, a double murder, was filed September 22, 2004.

4. My husband is being deployed to Iraq on Friday, November 26th, 2004 for the duration of one year. Our family learned of this deployment only recently, and I am attempting to cut back on my caseload to spend more time with my three children, ages 2 ½, 6 and 9, while their father is in Iraq.

Signed under the pains and penalties of perjury this 22nd day of November 2004.



Rosemary Curran Scapicchio